

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ASHLEY CLAIRE,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO: 1:22-cv-1066
)	
HONDA DEVELOPMENT & MANUFACTURING OF AMERICA, LLC, and KELLY SERVICES, INC.,)	
)	
Defendants.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

1. Plaintiff, Ashley Claire, brings this action against Defendants, Honda Development & Manufacturing of America, LLC (“Honda”) and Kelly Services, Inc., for unlawfully violating her rights as protected by Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”), the Americans with Disabilities Act, as amended, 42 U.S.C. § 12101 *et seq.* (“ADA”), the Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.* (“FMLA”) and Indiana Law.

PARTIES

2. At all times relevant to this action, Claire resided within the Southern District of Indiana.

3. Defendants are business entities which do business within the Southern District of Indiana.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this complaint pursuant to 28 U.S.C. § 1331; 28 U.S.C. § 1343; 42 U.S.C. § 2000e-5(f)(3), 42 U.S.C. § 12117 and 29 U.S.C. § 2617(a)(2) and 28 U.S.C. § 1367.

5. Claire was an “employee” as that term is defined by the Title VII, 42 U.S.C. § 2000e(f), the ADA, 42 U.S.C. § 12111(4) and the FMLA, 29 U.S.C. § 2611(2)(a),

6. Defendants are an “employer” as that term is defined by Title VII, 42 U.S.C. § 2000e(b), the ADA, 42 U.S.C. § 12111(5)(A) and the FMLA, 29 U.S.C. § 2611(4)(a).

7. Plaintiff’s state law claims arise from the same common nucleus of operative facts as her federal law claims and all of her claims thus form a single case and controversy under Article III of the United States Constitution.

8. Claire exhausted her administrative remedies by filing charges numbered 470-2021-03608 and 470-2021-03621 with the U.S. Equal Employment Opportunity Commission against Defendants, and receiving the appropriate notices of suit rights. Claire files the instant matter within ninety (90) days of receipt of said notices.

9. All of the events, transactions, and occurrences pertinent to this lawsuit have occurred within the geographical environs of the Southern District of Indiana and all parties are located therein. Therefore, venue is proper in this Court pursuant to 28 U.S.C. § 1391.

FACTUAL ALLEGATIONS

10. Honda hired Plaintiff, Ashley Claire, a Caucasian, through Kelly Services beginning on June 3, 2019. Since October 2019, Plaintiff worked on the administrative team at Honda’s Greensburg facility.

11. Honda directed Claire's hours and duties at its facility.

12. Honda and Kelly Services jointly employed Claire.

13. Since January 1, 2021, Defendants have employed fifty (50) or more employees within a seventy-five (75) mile radius of the facility at which Plaintiff worked.

14. Plaintiff worked one thousand two hundred fifty (1,250) hours in the twelve (12) month period preceding January 1, 2021.

15. Plaintiff worked one thousand two hundred fifty (1,250) hours in the twelve (12) month period preceding March 26, 2021.

16. Claire's work performance met or exceeded the Defendants' legitimate expectations at all relevant times.

17. Claire is a qualified individual with disabilities and/or has a record of disabilities and/or is perceived by Defendants to be disabled as these terms are defined by the Americans with Disabilities Act ("ADA") as amended. Claire is able to perform all of the essential functions of her position with or without a reasonable accommodation.

18. Claire took leave under the FMLA from March 26, 2021 to April 15, 2021.

19. Claire's supervisor Angela Douglas (African-American) harassed her due to her race by, including but not limited to, nitpicking, intimidating and undermining her, barking orders to her and not giving her an opportunity to respond, throwing items in anger, cornering her, and sticking her finger in Claire's face.

20. Claire complained to her team manager at Honda in January and February, 2021, and met with him and Douglas in attempts to work out their difficulties. The harassment continued, so

Claire complained to Kelly Services in February, to Honda's Compliance and Ethics Line in March, and to Honda's HR representative in May, 2021, that Douglas harassed her due to her race.

21. Claire's team manager at Honda correctly understood Claire's complaints were of harassment based upon race, and counseled Douglas to be aware of cultural differences in dealing with Claire.

22. Defendants did not take any action to stop the harassment that Claire was being subjected to.

23. On April 26, 2021, as a result of continued harassment and retaliation, Claire suffered a panic attack.

24. Claire reported the panic attack as a work related injury or illness.

25. On or about July 14, 2021, Douglas threw a uniform hat with a hard plastic bump cap insert at Claire and told her to get her personal belongings out of her workspace.

26. On or about July 26, 2021, Defendants suspended Claire pending investigation. Later that same day Defendants terminated Claire, purportedly for performance issues. Defendants' stated reason for terminating Claire is pretext for unlawful discrimination and/or retaliation.

27. Kelly Services further retaliated against Claire by refusing to offer her an assignment for which she was available.

28. Claire's requests for accommodation constituted protected activities under the Americans with Disabilities Act and the Rehabilitation Act of 1973.

29. Defendants have treated similarly-situated non-Caucasian employees and/or employees who were not disabled, did not take FMLA, and/or did not report workplace injuries or illnesses more favorably.

30. Claire has been harmed by Defendants' unlawful actions, including but not limited to, financial loss, embarrassment, humiliation, and emotional distress.

LEGAL ALLEGATIONS
Count I: Title VII Violations

31. Plaintiff hereby incorporates paragraphs one (1) through thirty (30) of her Complaint.

32. Honda subjected Claire to harassment and a hostile work environment based upon her race.

33. Defendants took adverse employment actions against Plaintiff because of her race and/or in retaliation for her complaints of harassment and discrimination based on race.

34. Similarly-situated individuals who are not Caucasian or have not complained of discrimination and/or retaliation have been treated more favorably by Defendants and have not been subject to the same adverse employment actions as Plaintiff.

35. Defendants' unlawful actions were intentional, willful, and done in reckless disregard of Plaintiff's rights as protected by Title VII.

Count II: Disability Discrimination

36. Plaintiff hereby incorporates paragraphs one (1) through thirty-five (35) of her Complaint.

37. Defendants unlawfully terminated Claire because she has a disability and/or because she requested accommodation for her disability.

38. Defendants' stated reasons for terminating Claire are pretextual.

39. Defendants' discrimination and/or retaliation against Claire were done in reckless disregard for Claire's federally protected rights.

40. Actions of Defendants caused Claire both emotional and economic harm.

41. Intentional and unlawful employment actions of Defendants have violated Plaintiff's rights as they are protected by the Americans with Disabilities Act (ADA), as amended 42 U.S.C. § 12101 et seq.

Count III: FMLA Retaliation

42. Claire incorporates all of the allegations set forth in paragraphs one (1) through forty-one (41) of this Complaint.

43. Claire properly notified Defendants of her need for leave for FMLA-qualifying reasons.

44. Defendants unlawfully discriminated against and retaliated against Claire in violation of the FMLA.

45. Defendants terminated Claire in retaliation for her exercising her rights under the FMLA.

46. Retaliation by Defendants against Claire violated the FMLA, 29 U.S.C. §2615(a) by discriminating against her due to her attempts to exercise her rights under the FMLA.

47. Actions by Defendants were intentional, willful, done in bad faith, and in reckless disregard of Claire's federally protected rights under the FMLA.

Count IV: Retaliatory Discharge in Violation of Indiana Common Law
(Frampton Claim)

48. Plaintiff hereby incorporates paragraphs one (1) through forty-seven (47) of her Complaint.

49. Claire qualified for Workers' Compensation benefits.

50. Defendants terminated Claire in retaliation for her request for and/or for qualifying for Workers' Compensation benefits.

51. Defendants acted maliciously or with reckless regard to Claire's rights as protected by Indiana common law.

52. Claire has suffered damages as a result of Defendants unlawful actions.

REQUESTED RELIEF

WHEREFORE, Plaintiff, Ashley Claire, respectfully requests that this Court enter judgment in her favor and provide her the following relief:

1. Reinstatement to her prior position, salary, seniority, and benefits, or pay front pay in lieu of reinstatement;
2. Enjoin Defendants from future violations of Title VII, the ADA and the FMLA;
3. All lost wages, benefits, compensation, and monetary loss suffered as a result of Defendants' unlawful actions;
4. Compensatory, consequential, and punitive damages;
5. Liquidated damages for intentional violations of the FMLA;
6. All attorneys' fees, litigation expenses, and costs incurred as a result of bringing this action;
7. Pre- and post-judgment interest on all sums recoverable; and
8. All other legal and/or equitable relief to which she is entitled.

Respectfully submitted,

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DEMAND FOR JURY TRIAL

Comes now the Plaintiff, Ashley Claire, by counsel, and demands a trial by jury on all issues deemed so triable.

Respectfully submitted,

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